

**Bachle, Laura**

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**From:** Jim Hecker <JHecker@publicjustice.net>  
**Sent:** Friday, April 03, 2015 3:20 PM  
**To:** Neugeboren, Steven; Garbow, Avi; Wall, Tom; Mitchell, Stacey; Horwitz, Sylvia  
**Cc:** Joe Lovett; Jennifer Chavez; Peter Morgan  
**Subject:** RE: Changes to West Virginia's NPDES Program  
**Attachments:** 67-1 Ds SJ memo.pdf; 155-1 Consent Decree.pdf; 66 Consent Decree.pdf

Here are the three documents you requested at our meeting today. One is Fola's summary judgment brief in the pending case that is going to trial this June. Fola argues that the effect of the two new statutes is to bar our claims under the CWA and SMCRA. See pp. 33-35 and 39-42. I will send you a copy of our response brief when it is filed on or about April 13. The other two documents are the consent decrees in the two prior cases involving conductivity discharges causing biological impairment. Please forward these to the others at the meeting and let me know if you need anything else. Thanks again for meeting with us.

Jim Hecker  
Public Justice  
1825 K Street, NW Suite 200  
Washington, D.C. 20006  
(202) 797-8600 ext. 225  
fax (202) 232-7203  
jhecker@publicjustice.net